

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
GEORGIA ATLANTA DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

*v.*

STATE OF GEORGIA,

DEFENDANT.

Civil Action No.

1:16-cv-03088-ELR

**NOTICE OF 30(b)(6) DEPOSITION**

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, the undersigned counsel, on behalf of the United States of America will take the deposition upon oral examination of the person(s) at the State of Georgia most knowledgeable of the subject matter described in Attachment A on March 6, 2023, beginning at 9:00 a.m. at 500 14th Street NW, Atlanta, Georgia 30318 or virtually, if counsel so agree. The United States hereby requests that, no later than five (5) days before the scheduled deposition, the State provide to undersigned counsel for the United States the name of each person designated to testify in this deposition and, for each person, the subject matter to which he or she will testify.

The deposition will be taken before an officer authorized to administer oaths and recorded by stenographic and audiovisual means. The deposition will continue from day-to-day until adjourned. It will be taken for the purpose of

discovery and any other purpose permitted by the Federal Rules of Civil Procedure. You are invited to attend and cross examine. Counsel may attend by Zoom.

Dated: March 1, 2023.

RYAN K. BUCHANAN  
*United States Attorney*  
Northern District of Georgia

/s/ Aileen Bell Hughes  
AILEEN BELL HUGHES  
GA Bar Number: 375505  
Assistant United States Attorney  
United States Department of Justice  
Richard B. Russell Federal Building  
75 Ted Turner Dr. SW, Suite 600  
Atlanta, GA 30303-3309  
(404) 581.6000  
aileen.bell.hughes@usdoj.gov

KRISTEN CLARKE  
Assistant Attorney General

SHAHEENA A. SIMONS  
Chief

KELLY GARDNER WOMACK  
Deputy Chief

ANDREA E. HAMILTON  
Special Litigation Counsel

VICTORIA M. LILL

CLAIRE D. CHEVRIER  
FRANCES S. COHEN  
PATRICK HOLKINS  
LAURA C. TAYLOE  
MICHELLE L. TUCKER  
Trial Attorneys  
Educational Opportunities Section

/s/ Kelly Gardner Womack  
U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
(202) 514-4092

[kelly.gardner@usdoj.gov](mailto:kelly.gardner@usdoj.gov)

*Attorneys for the United States*

**ATTACHMENT A**

1. The manner in which the State of Georgia and/or GaDOE provides IDEA funding to local education agencies, including how students are counted for FTE student count purposes and any matching fund requirements.
2. The extent to which the State of Georgia and/or GaDOE provides a portion of its IDEA funding to the GNETS Program and all aspects of the process by which funding is provided, including the manner in which the amounts of IDEA funds provided to regional GNETS programs are determined, how GNETS students are counted in that process, and any matching fund requirements.
3. The manner in which the State of Georgia and/or GaDOE provides funding (State or federal IDEA) to Regional Education Service Agencies (RESAs), including the processes for determining the amount of and intended uses for any such funding.
4. The data contained in files GA00000001-GA00000005 and the explanation for the exceptions noted in the State's response to Request for Admission No. 96.
5. The State's knowledge and possession of any studies, plans, models, analyses, presentations, memoranda, or reports concerning the impact of the GNETS Program on student placement in residential treatment facilities (RTFs) or other more segregated settings.
6. State-level tracking of the rates at which GNETS students are placed into RTFs after GNETS placement.
7. State-level tracking of the rates at which non-GNETS students are placed into RTFs.
8. State-level tracking of the graduation rates of GNETS students.

9. State-level monitoring of aggregated and disaggregated GNETS Program data to determine the cost effectiveness of the GNETS Program.
10. GaDOE's response to the legislative text set forth in Georgia HB 911 indicating that GaDOE should "evaluate, in consultation with stakeholders, the [GNETS] program to provide strategic statutory recommendations and funding formula updates to the Office of Planning and Budget, the House Budget and Research Office, and the Senate Budget and Evaluation Office by November 1, 2022," including any action or activity undertaken by GaDOE in response to the text.
11. Any recommendations regarding the manner in which the GNETS Program should be funded provided by GaDOE or the State Board of Education (SBOE) to the Office of Planning and Budget, the House Budget and Research Office, or the Senate Budget and Evaluation Office during the 2022 or 2023 calendar years.
12. Any funding formula updates related to the GNETS Program provided by GaDOE or SBOE to the Office of Planning and Budget, the House Budget and Research Office, or the Senate Budget and Evaluation Office during the 2022 or 2023 calendar years.
13. Any discussions or communications involving GaDOE, SBOE, the Office of Planning and Budget, the House Budget and Research Office, or the Senate Budget and Evaluation Office regarding potential changes to the funding of the GNETS Program during the 2022 or 2023 calendar years.
14. The current status of Positive Behavior Interventions and Supports ("PBIS") in Georgia schools, including: how many schools have implemented Tier 1, Tier 2, and/or Tier 3 supports; how GaDOE sets and communicates expectations for schools regarding the implementation of PBIS; how GaDOE sets and communicates fidelity standards; how PBIS is monitored by GaDOE, including data submission requirements for schools, fidelity tracking measures that are encouraged or required by GaDOE, the types of data GaDOE

encourages or requires schools to track and review, and any other data tracked by GaDOE; whether the use of PBIS is encouraged or required for general education schools and for regional GNETS programs; whether schools that adopt the PBIS framework are required to use School-Wide Information Systems (“SWIS”); how many schools currently use SWIS; trainings provided by GaDOE to support PBIS; the reporting structure for PBIS-related matters between schools and GaDOE.

15. The funding provided by GaDOE that is used to support PBIS, including: the line-item budget for the GaDOE School Climate Team; any additional funding for trainings, transportation, materials, databases, and any other costs associated with PBIS; and the salaries and credentials for staff on the GaDOE School Climate Team.
16. Any state-level expectations for and tracking of the use of alternative school climate programs (i.e. frameworks other than PBIS and MTSS) in Georgia schools, including: how many schools are implementing alternative school climate programs, which programs they are implementing, whether these alternative school climate programs are evidenced-based, how GaDOE supports the implementation and use of alternative school climate programs, what fidelity measures are used by schools with alternative school climate programs, how efficacy is tracked by schools using alternative school climate programs and by GaDOE, and whether any alternative school climate programs are planned or approved for Georgia schools.
17. Information about the Office of Whole Child Supports, including: why the GaDOE School Climate Team was moved to the Office of Whole Child Supports, the reporting structure and responsibilities for personnel in the Office of Whole Child Supports who are involved in the oversight of PBIS, the current status of Wraparound Support Services, what support is provided to the GaDOE School Climate Team by the Office of Whole Child Supports, and why the “PBIS Program Manager” position name was changed to “Program Manager School Climate.”

18. The development and implementation of the statements in DBHDD “APEX 3.0 Frequently Asked Questions”  
<https://dbhdd.georgia.gov/be-supported/mental-health-children-young-adults-and-families/apex-3-faqs> (retrieved 2/9/2023) regarding the question “In which types of schools can Apex services be implemented?” and the response: “Apex therapists/clinicians and behavioral health support staff are embedded within public schools and public charter schools, pre-kindergarten to 12th grade. They also help with life skills development and other non-therapeutic activities. Apex services cannot be provided in private charter schools, GNETS standalone facilities, private schools, or homeschooled/cyber public schools. Click [here](#) for a list of approved public charter schools.”
19. The development and implementation of the statements in DBHDD “APEX 3.0 Frequently Asked Questions”  
<https://dbhdd.georgia.gov/be-supported/mental-health-children-young-adults-and-families/apex-3-faqs> (retrieved 2/9/2023) regarding the question: “Who can provide the Apex services within the school setting?” and the response: “Individual and group therapy services should ONLY be provided by a licensed clinician (LCSW, LPC, LMFT); associate/provisionally licensed clinician (APC, LMSW, LAMFT), and/or a master’s degree level clinician seeking licensure, in accordance with the rules governing their practice. Paraprofessionals can provide community support services such as life/social skills, assist with prevention programs/activities, and assisting students/families with non-clinical concerns.”

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
GEORGIA ATLANTA DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

*v.*

STATE OF GEORGIA,

DEFENDANT.

Civil Action No.

1:16-cv-03088-ELR

**Certificate of Compliance**

I hereby certify, pursuant to Local Rules 5.1 and 7.1D, that the foregoing notice has been prepared using Book Antiqua, 13-point font.

/s/ Aileen Bell Hughes  
AILEEN BELL HUGHES



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
GEORGIA ATLANTA DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

*v.*

STATE OF GEORGIA,

DEFENDANT.

Civil Action No.

1:16-cv-03088-ELR

**Certificate of Service**

I served this document today by filing it using the Court's CM/ECF system,  
which automatically notifies the parties and counsel of record.

March 1, 2023.

/s/ Aileen Bell Hughes

AILEEN BELL HUGHES